

California Regional Water Quality Control Board
Santa Ana Region

October 26, 2001

ITEM: 12

SUBJECT: Mandatory Penalties Complaint No. 01-96 – Yucaipa Valley Water District,
Henry N. Wochholz Wastewater Treatment Plant

DISCUSSION:

The California Water Code, Sections 13385(h) and (i), requires mandatory minimum penalties of \$3,000 per violation for serious or repetitive violations of NPDES permit effluent limits, among other violations. The Water Code provisions requiring mandatory penalties became effective on January 1, 2000, as a result of the adoption of SB 709. Unlike administrative civil liability authorized by Water Code Sections 13350, *et seq.* and 13385 (c), mandatory penalties are not discretionary.

Yucaipa Valley Water District (YVWD) discharges tertiary treated wastewater from its Henry N. Wochholz Wastewater Treatment Plant to San Timoteo Creek. These discharges are regulated by waste discharge requirements contained in Order No. 96-004 (NPDES No. CA0105619), adopted by the Regional Board on April 18, 1996.

On September 25, 2001, the Executive Officer issued Mandatory Penalties Complaint No. 01-96 to Yucaipa Valley Water District, citing that between June 2000 and June 2001, YVWD reported a total of 67 violations of its total coliform, turbidity, chlorine residual, and total inorganic nitrogen (TIN) effluent limits. Sixty-five of these violations are subject to mandatory penalties. Complaint No. 01-96 proposes that a penalty of \$195,000 be imposed on YVWD. This is the mandatory minimum penalty amount required by the Water Code for the 65 violations cited in the complaint. A copy of Complaint No. 01-96 is appended to this report as Attachment 1.

RECOMMENDATION :

Staff recommends that the Board affirm the assessment proposed in Complaint No. 01-96.

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

Yucaipa Valley Water District)	Complaint No. 01-96
12770 Second Street)	for
Yucaipa, California 92399)	Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Yucaipa Valley Water District is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Board) must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385.
2. A hearing concerning this complaint will be held before the Board on October 26, 2001 at the City of Corona Council Chambers, unless Yucaipa Valley Water District waives its right to a hearing. Waiver procedures are specified on Page 4 of this complaint. Yucaipa Valley Water District or its representatives will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board.
3. This complaint is based on the following facts:
 - a. On April 18, 1996, the Board adopted Waste Discharge Requirements Order No. 96-4 (NPDES No. CA0105619), for Yucaipa Valley Water District. These requirements regulate discharges of waste from the District's Henry N. Wochholz Municipal Wastewater Treatment Plant.
 - b. Yucaipa Valley Water District submitted self-monitoring reports (June 2000, through June 2001) that show violations of effluent limits for total inorganic nitrogen, coliform, turbidity, chlorine residual, and pH. In addition, a discharge of un-disinfected effluent occurred in August 2000. These violations are summarized on Attachment "A", which is Page 3 of this complaint.
4. Water Code Section 13385 (h) and (i) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation. Accordingly, the assessment for the sixty-five violations subject to the mandatory penalty is \$195,000.
5. In accordance with Water Code Section 13385(c), the maximum administrative civil liability that may be imposed by the Board for these violations is in excess of \$670,000.

6. The Executive Officer proposes that the mandatory penalty of \$195,000 be imposed on Yucaipa Valley Water District by the Board for the violations cited in Attachment "A of this complaint.
7. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver, which is Page 4 of this complaint, and return it together with a check payable to the State Water Resources Control Board in the amount of the mandatory penalties proposed in paragraph 6, above. Send the check and waiver to:

California Regional Water Quality Control Board,
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions regarding this complaint, please contact the undersigned at (909) 782-3284, Gary D. Stewart, Surveillance and Enforcement Section Chief at (909) 782-4379, or the Board's staff counsel, Jorge Leon, at (916) 341-5180.

Date

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

Violations Reported Between June 2000 and June 2001

Month	Violations	No. of Violations	Violations subject to penalty ¹
June 2000	• Total Inorganic Nitrogen	(1) ²	1
July 2000	• pH	1	0
	• Turbidity	1	0
	• Total Inorganic Nitrogen	(1)	1
	• Chlorine Residual	(1)	1
August 2000	• 900,000 gallon illegal discharge of un-disinfected wastewater	1	1
	• Total Inorganic Nitrogen	(1)	1
	• Turbidity	1	1
September 2000	• Total Inorganic Nitrogen	(1)	1
October 2000	• Total Inorganic Nitrogen	(1)	1
November 2000	• Total Inorganic Nitrogen	(1)	1
December 2000	• Total Inorganic Nitrogen	(1)	1
	• Coliform	13	13
January 2001	• Total Inorganic Nitrogen	(1)	1
	• Coliform	24	24
February 2001	• Total Inorganic Nitrogen	(1)	1
	• Coliform	10	10
	• Chlorine residual	(1)	1
March 2001	• Total Inorganic Nitrogen	(1)	1
	• Coliform	1	1
April 2001	• Total Inorganic Nitrogen	(1)	1
May 2001	• Total Inorganic Nitrogen	(1)	1
June 2001	• Total Inorganic Nitrogen	(1)	1
Total Violations		67	65

¹ See Water Code Section 13385 (i)

² () Indicates a serious violation, as defined in 13385(h)

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Yucaipa Valley Water District)	Complaint No. 01-96
12770 Second Street)	for
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WAIVER OF HEARING

The Yucaipa Valley Water District agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01-96. Yucaipa Valley Water District has enclosed a check made payable to the State Water Resources Control Board in the amount of \$195,000 in settlement of Complaint No. 01-96. Yucaipa Valley Water District understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. 01-96, and against the imposition of, and amount of, the mandatory penalties.

Date

for Yucaipa Valley Water District